

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

Claims 43-105 are presently active in this application. Original Claims 1-42 have been previously canceled without prejudice or disclaimer.

In the outstanding Office Action, Claims 43, 45, 47-50, 52, 53, 59-81, 83-86, 91-93, and 96-105 were rejected as being anticipated by Mankovitz (U.S. Patent No. 5,949,492) under 35 U.S.C. § 102 (e), Claims 44, 46, and 87-90 were rejected as being unpatentable over Mankovitz in view of Payne et al. (U.S. Patent No. 6,370,518, Payne) under 35 U.S.C. § 103 (a), Claim 51 was rejected as being unpatentable over Mankovitz in view of Liu et al. (U.S. Patent No. 6,171,136, Liu) under 35 U.S.C. § 103 (a), Claims 54 and 57 were rejected as being unpatentable over Mankovitz in view of Zitzewitz (U.S. Patent No. 6,033,365) under 35 U.S.C. § 103 (a), Claim 58 was rejected as being unpatentable over Mankovitz in view of Baker (U.S. Patent No. 5,818,800) under 35 U.S.C. § 103 (a), Claim 82 was rejected as being unpatentable over Mankovitz in view of Klonowski (U.S. Patent No. 5,479,514) under 35 U.S.C. § 103 (a), and Claims 94 and 95 were rejected as being unpatentable over Mankovitz in view of Proctor et al. (U.S. Patent No. Re. 32,451) under 35 U.S.C. § 103 (a).

Initially, Applicants acknowledge with gratitude the indication in the outstanding Action that Claims 55 and 56 are only objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, as these claims all depend on claims that are believed to patentably define over the applied references for the reasons noted below, the dependent nature of these claims has not been changed.

Before considering the various prior art rejections, it is believed that a brief review of the subject matter of the invention would be helpful.

In this regard, one aspect of the present invention is concerned with providing an inputting unit that will provide for storing time information representing a predetermined time corresponding to operation of a button during a broadcast by the input unit user. This input unit can also provide retrieval of the time information without any station information as to a particular station performing the broadcast and transmit it to an external unit that will provide it to a searching unit. The searching unit can then search a database including information indicating broadcast contents and an associated time of broadcasting using the time information corresponding to the time at which the operation of the button by the user occurred.

In another aspect of the present invention, the inputting unit has a counter that counts based on a predetermined clock signal and outputs a count value. Instead of storing an actual time, the count value is stored when a user performs an operation during a broadcast. This count is communicated to an external unit and then converted to time information indicating when the user operation occurred at the external unit. This converted time information is input to a searching unit that then searches a database having information indicating broadcast contents and an associated time of broadcasting using the converted time information.

Other aspects of the invention include methods for operating these input units and record media with control programs for controlling these input units.

Turning to the rejection of Claims 43, 45, 47-50, 59-81, 83-86, 91-93, and 96-105 were rejected as being anticipated by Mankovitz, this rejection is traversed because the teachings of Mankovitz are limited to storing information indicating “the station the radio is tuned to” and the “day and the time” to be stored as SDT information in memory when the user presses the button as noted at col. 7, lines 40-46, for example. The information stored in

this step and input device taught by Mankovitz, thus, always includes information as to the broadcasting station and the actual day and time of the broadcast.

To the contrary, independent claims 43 and 91 require the storing of time information without such station information with searching based upon this stored time information. As Mankovitz requires storing information indicating “the station the radio is tuned to” as well as time information, Mankovitz cannot be said to reasonably teach or suggest the limitations of independent Claims 43 and 91 and withdrawal of this 35 U.S.C. § 102 (e) rejection of Claims 43 and 91 is believed to be in order.

Moreover, as Claims 92 and 93 depend from Claim 91 and incorporate all the limitations thereof, the withdrawal of the 35 U.S.C. § 102 (e) rejection of Claims 92 and 93 is also believed to be in order.

With regard to the rejection of independent Claims 45, 47, 53, 62, 68, 78, 91, 96, 98, 100, 102, and 104, each of these claims requires a counter that will provide a count value based on a predetermined clock signal and the storage of this count value with a subsequent conversion of the count value to time information. As noted above, Mankovitz stores the “day and the time,” not a count value, and as time information is already present, there is no converting of a count value to time information as these independent Claims all require.

Thus, Mankovitz cannot be said to reasonably teach or suggest the limitations of independent Claims 45, 47, 53, 62, 68, 78, 91, 96, 98, 100, 102, and 104 and withdrawal of this 35 U.S.C. § 102 (e) rejection of these claims is also believed to be in order.

In addition, as Claims 48-50 and 52 depend on Claim 47, Claim 59-61 depend on Claim 53, Claims 63-67 depend on Claim 62, 69-77 depend on Claim 68, Claims 79-81 and 83-86 depend on Claim 78, Claims 92 and 93 depend on Claim 91, Claim 97 depends on Claim 96, Claim 99 depends on Claim 98, Claim 101 depends on Claim 100, Claim 103

depends on Claim 102, and Claim 105 depends on Claim 104, the withdrawal of the 35 U.S.C. § 102 (e) rejection of these dependent claims is also believed to be in order.

Turning to the rejection of Claims 44, 46, and 87-90 as being unpatentable over Mankovitz in view of Payne, it is noted that Payne does not cure the above-noted deficiencies of Mankovitz. In addition, Payne does not teach or suggest the display of a number of entries of either a time information or a count value, just a total index number that represents a name. Accordingly, even if there were an adequate motivation established to combine the teachings of Mankovitz in view of Payne, which is not the case, the result would not be the subject matter of these claims. Therefore withdrawal of this rejection applied to Claims 44, 46, and 87-90 is further respectfully submitted to be in order.

Similarly, the rejections of Claim 51 as being unpatentable over Mankovitz in view of Liu, of Claims 54 and 57 as being unpatentable over Mankovitz in view of Zitzewitz, of Claim 58 as being unpatentable over Mankovitz in view of Baker, of Claim 82 as being unpatentable over Mankovitz in view of Klonowski, and of Claims 94 and 95 as being unpatentable over Mankovitz in view of Proctor are traversed because none of Liu, Zitzewitz, Baker, Klonowski, and/or Proctor can be said to cure the above noted deficiencies in Mankovitz. Thus, even if adequate motivation was established to combine the teachings of Mankovitz with any or all of these references, which is not the case, the improper combinations would still not teach or suggest all of the subject matter of these claims.

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As no further issues are believed outstanding in the present application, it is believed to be clearly in condition for formal allowance. Accordingly, an early and favorable action to that effect is therefore earnestly and respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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